

BEFORE THE GOVERNING BOARD OF THE
SAN JOAQUIN VALLEY UNIFIED
AIR POLLUTION CONTROL DISTRICT

IN THE MATTER OF: PROPOSED
AMENDMENTS TO RULE 4901 (WOOD
BURNING FIREPLACES AND WOOD
BURNING HEATERS)

RESOLUTION NO. 19-06-22

WHEREAS, the San Joaquin Valley Unified Air Pollution Control District (District) is a
duly constituted unified air pollution control district, as provided in California Health and
Safety Code (CH&SC) Sections (§) 40150 et seq. and 40600 et seq.; and

WHEREAS, said District is authorized by CH&SC §40702 to make and enforce all
necessary and proper orders, rules, and regulations to accomplish the purpose of
Division 26 of the CH&SC; and.

WHEREAS, pursuant to federal Clean Air Act (CAA) §107, the San Joaquin Valley Air
Basin (Valley) is designated as nonattainment for the national health-based air quality
standards for particulate matter 2.5 microns and smaller (PM2.5); and

WHEREAS, the District Governing Board adopted 2018 Plan for the 1997, 2006, and
2012 PM2.5 Standards (*2018 PM2.5 Plan*) on November 15, 2018 pursuant to the
federal Clean Air Act; and

WHEREAS, the District's *2018 PM2.5 Plan* commits the District to amend Rule 4901 to
further reduce directly emitted PM2.5 emissions from this source category; and

WHEREAS, a public hearing for the adoption of proposed amendments to Rule 4901
was duly noticed for June 20, 2019, in accordance with CH&SC §40725.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The Governing Board hereby adopts the proposed amendments to Rule 4901
(Wood Burning Fireplaces and Wood Burning Heaters). Said rule shall become effective
on June 20, 2019.

2. The Governing Board hereby finds, based on the evidence and information
presented at the hearing upon which its decision is based, that all notices required to be

1 given by law have been duly given in accordance with CH&SC §40725, and the
2 Governing Board has allowed public testimony in accordance with CH&SC §40726.

3 3. In connection with said rulemaking, the Governing Board makes the following
4 findings as required by CH&SC §40727:

5 a. **NECESSITY.** The Governing Board finds, based on the staff report, public
6 testimony, and the record for this rulemaking proceeding, that a need exists for said rule
7 amendments. Adopting said rule is necessary to meet the commitments of the SIP and
8 requirements of the federal CAA and the California CAA. Said rule satisfy the
9 commitment in the District's 2018 PM2.5 Plan.

10 b. **AUTHORITY.** The Governing Board finds that it has the legal authority for
11 said rulemaking under CH&SC §40000 and 40001.

12 c. **CLARITY.** The Governing Board finds that said rule is written or displayed
13 so that the meaning can be easily understood by those persons or industries directly
14 affected by said rule.

15 d. **CONSISTENCY.** The Governing Board finds that said rule is in harmony with,
16 and not in conflict with or contradictory to, existing statutes, court decisions, or state or
17 federal regulations.

18 e. **NONDUPLICATION.** The Governing Board finds that said rule does not
19 impose the same requirements as any existing state or federal regulation.

20 f. **REFERENCE.** The Governing Board finds that said rulemaking implements
21 federal CAA §172(c)(1) and CH&SC §40920.

22 4. The Governing Board hereby finds that the requirements of CH&SC §40728.5
23 and 40920.6 have been satisfied to the greatest extent possible, and that the Governing
24 Board has actively considered and made a good faith effort to minimize any adverse
25 socioeconomic impacts associated with the proposed rulemaking.

26 5. The Governing Board finds that, because this rulemaking will not cause either a
27 direct physical change in the environment or a reasonably foreseeable indirect physical

1 change in the environment, the proposed actions do not constitute a project under the
2 provisions of the California Environmental Quality Act (CEQA) Guidelines §15378.
3 Furthermore, the proposed actions are exempt for actions taken by regulatory agencies,
4 as authorized by state or local ordinance, to assure the maintenance, restoration,
5 enhancement, or protection of the environment where the regulatory process involves
6 procedures for protection of the environment (CEQA Guidelines §15308) (Actions by
7 Regulatory Agencies for Protection of the Environment) and exempt from CEQA per the
8 general rule that CEQA applies only to projects which have the potential for causing a
9 significant effect on the environment (CEQA Guidelines §15061 (b)(3)).

10 6. Pursuant to Section 15062 of the CEQA guidelines, the Executive Director/Air
11 Pollution Control Officer is directed to file a Notice of Exemption with the County Clerks
12 of each of the counties in the District.

13 7. The Executive Director/Air Pollution Control Officer is directed to file with all
14 appropriate agencies certified copies of this resolution and the rule adopted herein and
15 is directed to maintain a record of this rulemaking proceeding in accordance with
16 CH&SC §40728.

17 8. The Executive Director/Air Pollution Control Officer is directed to transmit said rule
18 to the California Air Resources Board for incorporation into the SIP.

19 9. The Governing Board authorizes the Executive Director/Air Pollution Control
20 Officer to include in the submittal or subsequent documentation any technical
21 corrections, clarifications, or additions that may be needed to secure EPA approval,
22 provided such changes do not alter the substantive requirements of the approved rule.

23 ///

24 ///

25 ///

26 ///

27 ///

1 **THE FOREGOING** was passed and adopted by the following vote of the
2 Governing Board of the San Joaquin Valley Unified Air Pollution Control District this 20th
3 day of June 2019, to wit:

4
5 **AYES:** Bessinger, Crocker, Elliott, Fugazi,
6 Pareira, Pedersen, Preciado, Sherriffs,
7 Vierra, Wheeler, Mendes

8
9 **NOES:** None

10
11
12 **ABSENT:** Capitman, Couch, Olsen, Reyes

13
14
15 SAN JOAQUIN VALLEY UNIFIED
16 AIR POLLUTION CONTROL DISTRICT

17 By Buddy Mendes
18 Buddy Mendes, Chair
19 Governing Board

20 **ATTEST:**
21 Deputy Clerk of the Governing Board

22 By Michelle Franco
23 Michelle Franco